

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

STANLEY A. DURAJ,)	CASE NO. 1:17CV00775
)	
Plaintiff,)	
)	JUDGE DONALD C. NUGENT
vs.)	
)	
PNC BANK, N.A., et al.,)	
)	CITIZENS BANK, N.A.'S MOTION TO
Defendants.)	DISMISS PLAINTIFF'S AMENDED
)	COMPLAINT
)	

NOW COMES Defendant Citizens Bank, N.A., incorrectly identified at Citizens Financial Group, Inc. ("Citizens"), by and through undersigned counsel, and hereby moves this Honorable Court pursuant to Fed. Civ. R. 12 (b)(6), for a judgment in its favor as Plaintiff's First Amended Complaint ("Amended Complaint") fails to state a claim upon which relief can be granted. The Amended Complaint makes the same allegations against Citizens and defendant PNC Bank ("PNC"), namely that each of the defendant banks are liable for violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*, due to alleged "soft pulls" of Plaintiff's credit report after Plaintiff's discharge in bankruptcy. (Amended Complaint, Doc. No. 9, at 4, 6 and 9). The facts and law as alleged against Citizens is identical to that alleged against PNC. As such, in the interests

of judicial economy, Citizens hereby incorporates, as if fully restated herein, the arguments from PNC's Motion to Dismiss and Memorandum in Support ("PNC Motion") (Doc. No. 12).

Respectfully submitted:

/s/ Melissa A. Laubenthal

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CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2017 a copy of the foregoing *Citizens Bank, N.A.'s Motion To Dismiss Plaintiff's Amended Complaint* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system upon the following Parties:

Sylvia A. Goldsmith, on behalf of Plaintiff Stanley Duraj at goldsmith@goldsmithlawyers.com.

H. Toby Schisler, on behalf of Defendant PNC Bank at toby.schisler@dinsmore.com.

/s/ Melissa A. Laubenthal

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